Pursuant to the requirements of 37 C.F.R. §1.121, applicants annex hereto as **Exhibit A** a copy of the amended claims marked up to show the changes made herein relative to the previous version thereof.

In the March 3, 2003 Office Action, the Examiner required restriction of the invention under 35 U.S.C. §121 to one of the following allegedly independent and distinct inventions: Group I, comprising claims 1, 21 and 43-44; Groups II-X, comprising claims 41 and 42; or Group XI, comprising claims 45-48.

As an alternative to Groups I-XI, the Examiner set forth claims 43-48 as an additional group (herein designated "Group XII"), and stated that he would consider examining claims 43-48 together if claims 1 and 21 were deleted or amended.

In response, applicant elects, with traverse, Group XII, claims 43-48, for prosecution at this time, and has cancelled claims 1 and 21 pursuant the Examiner's remarks.

Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application. Applicant maintains that the inventions of Groups II-XII are not independent.

Claims 43-48 relate to a humanized catalytic antibody and polypeptide capable of degrading cocaine, and related compositions and methods. Claims 41 and 42 are directed to nucleic acids related to the instant catalytic antibody and polypeptide, respectively.

The inventions of Groups II-XI and XII are related to one another as protein and corresponding nucleic acid sequence. Thus, the inventions of Groups II-XI and XII are not independent and restriction is not proper.

Furthermore, applicant maintains that search and examination of the entire application can be made without undue burden, i.e., that the search and examination of Groups II-XI would not pose an undue burden once Group XII has been searched and examined. Examination on the merits is therefore required under the provisions of M.P.E.P. §803. Thus, applicant respectfully requests that the Examiner examine the application on the merits, despite the Examiner's assertion that it includes claims to distinct inventions.

In view of the remarks made herein, applicant maintains that the Examiner's restriction made in the March 3, 2003 Office Action is not proper under 35 U.S.C. §121 and respectfully requests that he reconsider and withdraw same.

Summary

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents
Washington, D.C. 20231

4/3/03
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Marked-up version of amended claims:

43. (Twice Amended) ~~The~~ A humanized catalytic antibody ~~of claim 1, wherein the catalytic antibody is humanized~~ capable of degrading cocaine comprising a light chain wherein the amino acid sequence of complementarity determining region 1 is RSSXGTITXXNYAN (Seq ID NO: 73), the amino acid sequence of complementarity determining region 2 is XNNYRPP (Seq ID NO: 74) and the amino acid sequence of complementarity determining region 3 is ALWYSNHWV (Seq ID NO: 75) and a heavy chain wherein the amino acid sequence of complementarity determining region 1 is DYNMY (Seq ID NO: 76), the amino acid sequence of complementarity determining region 2 is YIDPXNGXXFYNQKFXG (Seq ID NO. 77) and the amino acid sequence of complementarity determining region 3 is GGGLFAX (Seq ID NO: 78).

44. (Twice Amended) ~~The~~ A humanized polypeptide ~~of claim 21, wherein the polypeptide is humanized.~~ comprising a light chain domain which comprises a complementarity determining region 1 having the amino acid sequence RSSXGTITXXNYAN (Seq ID NO: 73), a complementarity determining region 2 having the amino acid sequence XNNYRPP (Seq ID NO: 74) and a complementarity determining region 3 having the amino acid sequence ALWYSNHWV (Seq ID NO: 75), interposed between appropriate framework regions, and linked to said light chain domain a heavy chain domain which comprises a complementarity determining region 1 having the amino acid sequence DYNMY (Seq ID NO: 76), a complementarity determining region 2 having the amino acid sequence YIDPXNGXIFYNQKFXG (Seq ID NO: 77) and a complementarity determining region 3 having the amino acid sequence GGGLFAX (Seq ID NO: 78) interposed between appropriate

framework regions, said polypeptide having a conformation suitable for degrading cocaine.

45. (Twice Amended) A pharmaceutical composition for decreasing the concentration of cocaine in a subject which comprises an amount of the antibody of claim 41 effective to degrade cocaine in the subject and a pharmaceutically acceptable carrier.

46. (Twice Amended) A method of decreasing the concentration of cocaine in a subject which comprises administering to the subject an amount of ~~an~~ the antibody of claim 41 effective to degrade cocaine in the subject, so as to thereby decrease the concentration of cocaine in the subject.

47. (Twice Amended) A pharmaceutical composition for treating cocaine overdose in a subject which comprises an amount of the antibody of claim 41 effective to degrade cocaine in the subject and a pharmaceutically acceptable carrier.

48. (Twice Amended) A method for treating cocaine overdose in a subject which comprises administering to the subject an amount of the antibody of claim 41 effective to degrade cocaine, so as to thereby treat cocaine overdose in the subject.